

COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled CHANNELED VASCULAR STENT APPARATUS AND METHOD, the specification of which (check one)

XX is attached hereto

— was filed on _____
as U.S. Application
Serial No. _____

— and was amended on (if
applicable) _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
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(Number)	(Country)	(Day/Month/Year Filed)	YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner

provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John L. Rooney, Reg. No. 28,898;
Lawrence M. Nawrocki, Reg. No. 29,333;
Wayne A. Sivertson, Reg. No. 25,645;
Richard C. Stempkovski, Jr., Reg. No. 45,130;
Jeffery L. Cameron, Reg. No. 43,527; and
Donald A. Jacobson, Reg. No. 22,308

Send correspondence to:

Lawrence M. Nawrocki
NAWROCKI, ROONEY & SIVERTSON, P.A.
Suite 401, Broadway Place East
3433 Broadway Street Northeast
Minneapolis, Minnesota 55413
(612) 331-1464

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

Full name of sole or first inventor Lawrence E. Noble
Inventor's Signature L. E. Noble Date 7-7-00
Residence 10239 North 101st Street
Scottsdale, Arizona 85258 Citizenship U.S.A.
Post Office Address 10239 North 101st Street
Scottsdale, Arizona 85258

Full name of second or joint inventor Jeffrey A. Miller
Inventor's Signature Jeffrey A. Miller Date 7-3-00
Residence 15924 Moseley Road
Chompson, Ohio 44057 Citizenship U.S.A.
Post Office Address 15924 Moseley Road
Chompson, Ohio 44057

1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

DOCKETED

OCT - 3 2000

Lynda Eberhard

SEPTEMBER 27, 2000



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



101430646A

PTAS
NAWROCKI, ROONEY & SIVERTSON, P.A.
LAWRENCE M. NAWROCKI
3433 BROADWAY STREET N.E., SUITE 401
MINNEAPOLIS, MN 55413

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RECORDATION DATE: 07/14/2000

REEL/FRAME: 010985/0219
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

NOBLE, LAWRENCE E.

DOC DATE: 07/03/2000

ASSIGNEE:

MILLER, JEFFREY A.

DOC DATE: 07/03/2000

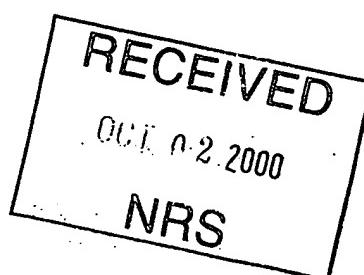
ASSIGNEE:

NORMAN NOBLE, INC.
1650 COLLAMER ROAD
CLEVELAND, OHIO 44110

SERIAL NUMBER: 09616274
PATENT NUMBER:

FILING DATE: 07/14/2000
ISSUE DATE:

LAWAN FLETCHER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



08-14-2000

Form PTO-1584
1-31-92U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Pl.

101430646

Trademarks:
Original document(s) or copy thereof

1. Name of conveying party(ies):

Lawrence E. Noble
Jeffrey A. MillerMLO
7/14/00Additional name(s) of conveying party(ies)
attached? Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: July 3, 2000

2. Name and address of receiving party(ies):

Name: Norman Noble, Inc.

Internal Address: _____

Street Address: 1650 Collamer RoadCity: Cleveland State: Ohio ZIP: 44110

Additional name(s) & addresses attached?

 Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: July 3, 2000

A. Patent Application No.(s)

B. Patent No.(s)

09/616274Additional numbers attached? Yes No5. Name and address of party to whom correspondence
concerning document should be mailed:6. Total number of applications and patents
involved: 1Name: Lawrence M. NawrockiAddress: NAWRICKI, ROONEY & SIVERTSON, P.A.
3433 Broadway Street N.E., Suite 401
Minneapolis, MN 554137. Total fee (37 CFR 3.41). . \$40.00

Enclosed
 Authorized to be charged to deposit
account

8. Deposit Account Number: _____
(Attach duplicate copy of this page if
paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is
a true copy of the original document.Lawrence M. Nawrocki
Name of Person SigningLawrence M. Nawrocki
SignatureJuly 14, 2000
DateTotal number of pages comprising cover sheet, attachments and document: 4

OMB No. 0651-0011 (exp. 4/94)

19418/101/101

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JC531 U.S. PRO
09/616274

ASSIGNMENT

WHEREAS, Lawrence E. Noble, residing at 10239 North 101st Street, Scottsdale, Arizona 85258, and Jeffrey A. Miller, residing at 15924 Moseley Road, Chompson, Ohio 44057, have made certain new and useful inventions and improvements for which they have executed an application for Letters Patent of the United States, which is entitled CHANNELED VASCULAR STENT APPARATUS AND METOD, filed of even date herewith.

AND WHEREAS, Norman Noble, Inc., a corporation organized and existing under and by virtue of the laws of the State of Ohio, and having a business address of 1650 Collamer Road, Cleveland, Ohio 44110, is desirous of acquiring the entire right, title and interest in and to said inventions, improvements, application, and Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, Lawrence E. Noble and Jeffrey A. Miller have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said Norman Noble, Inc., its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and Lawrence E. Noble and Jeffrey A. Miller do hereby authorize and request the Commissioner of Patents to issue any and all United States Letters Patent for the aforesaid inventions and improvements to said Norman Noble, Inc., its successors and assigns.

AND, for the consideration aforesaid, Lawrence E. Noble and Jeffrey A. Miller do hereby agree that their executors and legal representatives will make, execute and deliver any and all other instruments in writing including any other documents, and will communicate to said Norman Noble, Inc., its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings

and generally do all things which may be necessary or desirable to more effectually secure to and vest in Norman Noble, Inc., its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore, Lawrence E. Noble and Jeffrey A. Miller, covenant and agree with said Norman Noble, Inc., its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by Lawrence E. Noble and Jeffrey A. Miller and that full right to convey the same as herein expressed is possessed by Lawrence E. Noble and Jeffrey A. Miller.

The parties hereto acknowledge that they have specifically requested the present agreement to be drawn up in the English language.

IN TESTIMONY WHEREOF, I, have hereunto set my hand this ____ day of 7 - 3 - 00.



Lawrence E. Noble

Ohio
STATE OF MINNESOTA)
) ss.
COUNTY OF Cuyahoga)

On this 31 day of July, 2000 before me personally appeared Lawrence E. Noble, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.



Notary Public

SCOTT A. NOBLE, Attorney at Law
Notary Public - State of Ohio
My commission has no expiration date
Section 147.03 R.C.

IN TESTIMONY WHEREOF, I, have hereunto set my hand this ____
day of 7-3-00, ____.

Jeffrey A. Miller
Jeffrey A. Miller

STATE OF MINNESOTA)
) ss.
COUNTY OF Cuyahoga)

On this 3rd day of July, 2000 before me personally
appeared Jeffrey A. Miller, to me known and known to me to be the
person described in and who executed the foregoing instrument, and
he duly acknowledged to me that he executed the same for the uses
and purposes therein set forth.

SCOTT A. NOBLE, Attorney at Law
Notary Public - State of Ohio
My commission has no expiration date
Section 147.03 R.C.

Signature
Notary Public